

Title Appeal – 01(A)/2021

J.O. Code : WB01302

Order No. 23 dt. 15.5.25

Today is fixed for hearing of the petition under Order 22 Rule 3 read with sec. 151 of CPC filed on behalf of the appellant on 07.4.25

Hazira is filed on behalf of the appellant as well as on behalf of respondent No. 7. However, ld Advocate for the respondent No. 7 is found absent on repeated calls. Since the said respondent appears to be the proforma respondent in this case, the instant petition hearing is taken up in absence of respondent No. 7 and in presence of the petitioners.

Ld Advocate for the appellant/petitioners while moving the said petition submitted that the sole appellant Pashupati Nath Das had died during the pendency of this appeal on 26.01.25

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and that the present application under Order 22 Rule 3 read with Section 151 CPC was filed by his legal heirs on 07.4.25 along with photocopy of the death certificate of the deceased, praying therein for substitution of the deceased appellant with his heirs i.e. son Sumit Kumar Das and daughter Sumana Banerjee. He prayed for allowing the said substitution petition.

Heard. Perused the application under Order 22 Rule 3 read with Section 151 CPC, xerox copy of death certificate of appellant Pashupati Nath Das and the instant record. Considered.

It appears from the filed copy of death certificate that the sole appellant expired on 26.01.2025. The application for substitution has been made within the statutory period of limitation. Hence the said prayer is now allowed. The deceased sole appellant Pashupati Nath Das be now substituted by his heirs Sumit Kumar Das and Sumana Banerjee in this appeal.

Note accordingly in the cause title of memo of appeal and register.

The appellants are directed to file amended memo of appeal on the next date and serve a copy of the same upon the respondent No. 7.

To 13.8.2025 for filing amended memo of appeal.

Dict. & corr. By me.

Sd/-
Addl. District Judge, 2nd Court,
Serampore, Hooghly.

Sd/-
Addl. District Judge, 2nd Court,
Serampore, Hooghly.

